

June 15, 1973

Honorable Russell B. Long
United States Senate
Washington, DC 20510

Dear Senator Long:

Your inquiry of May 14, 1973, to Director, Legislative Liaison, Department of Transportation, has been referred to this office for reply.

That inquiry referred to a letter from Lt. Colonel Henry D. Doiron, USA Retired, concerning building a small pond on his property in Clacasio/Jeff Davis Parish, Louisiana.

The problem arises because of an existing pipeline crossing the area of the proposed pond. The pipeline company has informed Colonel Doiron that "the Department of Transportation Regulations" state that if a pipeline is inundated for a distance of 100 feet a valve has to be installed in the pipeline. This can become very expensive and you would be expected to bear the cost.

Section 195.260(e) of the Federal liquid pipeline safety regulations (49 CF 195.260(e)) requires a valve to be installed "On each side of a water crossing that is more than 100 feet wide from high-water mark to high-water mark...." However, as stated in Section 195.200, that requirements is applicable only to the construction of new pipeline systems with steel pipe, or for relocating, replacing, or otherwise changing existing pipeline systems that are constructed with steel pipe. Thus, unless this pipeline will be relocated, replaced, or otherwise changed, Section 195.260(e) does not pertain to the construction of Colonel Doiron's pond.

Even though Part 195 may not mandate changes to the pipeline, we suggest that the following steps should be taken. Before construction begins on this ponds, the integrity of the pipeline should be evaluated. That evaluation should include consideration of the present condition of the pipeline, the design and installation methods used at its installation, and the anticipated effects of the new environment on the pipeline, which are particularly important due to the possibility of contamination of the pond. We suggest that Colonel Doiron take no action toward actual construction of the proposed pond until this matter is resolved.

If additional work is required on the pipeline because of the construction of the pond, all necessary arrangements including

the matter of expense incurred will have to be determined between
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the parties in conformity with local law. Such matters are not encompassed within the safety jurisdiction of this Department. Enclosed is a copy of 49 CFR, Part 195 covering the safety regulations for liquid pipeline carriers.

If we may be of any further assistance to you in this matter, please call on us.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety

Enclosure

United States Senate
Washington, D.C. 20510

May 14, 1973

Director, Legislative Liaison
Department of Transportation

Please advise me with regard to the enclosure in order that I may respond to Col. Doiron. Many thanks.

FROM
RUSSELL LONG
United States Senator
Washington, D.C. 20510

1900 Ninth Street
Lake Charles, La 70601
May 10, 1973

Senator Russell B. Long
United States Senate
Washington, D.C. 20510

Dear Senator Long;

On some of my acreage property in Calcasieu/Jeff Davis Parish I want to build a small pond in a low area that often hold water. A Pipe Line crosses in this area and the proposed pond will be over a small section of the pipeline. In contact with the pipe Line Company they state that the Federal Government prohibits my putting a pond over the pipeline. They state: "The Department of Transportation Regulations states that if a pipeline is inundated for a distance of 100 feet a valve has to be installed in the pipeline. This can become very expensive and you would be expected to bear the cost."

Please advise me if this is correct and if possible furnish me with a copy of said regulation. If my pond extends over the pipeline for less than 100 feet, what are the requirements?

Your assistance will be most helpful and appreciated.

Sincerely;

HENRY D. DOIRON
Lt. Colonel, USA
Retired